

BILL NO. S-67-09-17

SPECIAL ORDINANCE NO. S- 535-67

AN ORDINANCE approving Sewer Agreement between NIEMEYER CORPORATION and the CITY OF FORT WAYNE, INDIANA for construction of Sanitary Sewer in Trier Ridge Park Section I Amended.

WHEREAS, on the 6th day of September, 1967, the City of Fort Wayne, by and through its Mayor and the Board of Public Works, entered into an agreement with NIEMEYER CORPORATION, hereinafter referred to as Developer, concerning the construction of a sanitary sewer to service real estate owned by Developer, in accordance with the plans, specifications and profiles submitted to the City and now on file in the office of the Chief Engineer of the Sewer Utilities of the City of Fort Wayne, and are incorporated herein by reference and made part hereof, which sewer will serve not only land in which Developer has an interest but also adjoining land areas;

WHEREAS, the cost of construction of said sewer shall be at the entire expense of the Developer, which agrees to hold the City harmless from any liability for claims connected therewith;

WHEREAS, said sewer when accepted by the City will be as follows:

Off-site Sanitary Sewer and Force Main

Commencing at an existing manhole at the Southeast corner of Sanford Drive and Chadwick Drive; thence South with a 12-inch sanitary sewer along the East side of Chadwick Drive 230 feet to a manhole on the South side of Tillman Road; thence West along the South side of Tillman Road with a 6-inch force main 1525 lineal feet, and there terminating at a sewage lift station at the Northeast corner of Lot numbered One (1) in Trier Ridge Park, Section I Amended, an Addition to the City of Fort Wayne, Ind.

Main Sanitary Sewer

A 10-inch and an 8-inch sanitary sewer commencing at a sewage lift station on the South side of Tillman Road at the Northeast corner of Lot numbered One (1) in Trier Ridge Park, Section I Amended, an addition to the City of Fort Wayne, Indiana; thence West along the South side of Tillman Road 465 feet to a manhole at the Southeast corner of Tillman Road and

Gathings Drive; thence South along Gathings Drive 850 feet, and there terminating at a standard clean-out.

Lateral No. One

A 10-inch and an 8-inch sanitary sewer commencing at a manhole at the Southeast corner of Gathings Drive and Debeney Drive; thence East along the South side of Debeney Drive 320 feet; thence South along the East side of Verona Drive 840 feet; thence West along the South side of Montagne Drive 470 feet; and there terminating at a standard brick bulk-head at the Northwest corner of Lot numbered Forty-eight (48) in Trier Ridge Park, Section I Amended, an Addition to the City of Fort Wayne, Indiana.

Lateral No. Two

A 10-inch sanitary sewer commencing at a manhole at the Southeast corner of Gathings Drive and Debeney Drive; thence West along the South line of Debeney Drive 150 feet, and there terminating at a brick bulk head at the Northwest corner of Lot numbered Fifty-five (55) in Trier Ridge Park, Section I, Amended, an Addition to the City of Fort Wayne, Ind.

Lateral No. Three

An 8-inch sanitary sewer commencing at a manhole on the East side of Gathings Drive, said manhole being situated 40 feet South of the Northwest corner of Lot numbered Thirty-two (32) in Trier Ridge Park, Section I Amended, an Addition to the City of Fort Wayne, Indiana; thence Westerly along the South line of Contessa Drive 150 feet, and there terminating at a brick bulk head at the Northwest corner of Lot numbered Fifty-two (52) in the aforementioned Trier Ridge Park.

Lateral No. Four

An 8-inch sanitary sewer commencing at an existing manhole at the Southeast corner of Gathings Drive and Montagne Drive; thence North along the East side of Gathings Drive 145 feet, and there terminating at a standard clean-out.

WHEREAS, the Developer, for itself, its successors in title and assigns, waives and releases any and all rights which it may



now or hereafter have to remonstrate against or otherwise object to, interfere with or oppose any pending or future annexation by City of any territory now or hereafter owned by it as described above, or hereafter served by said sewer or any extension thereof.

Any owner or owners of land which is now or hereafter located outside the corporate limits of City who connect~~ed~~ into the sewer constructed hereunder shall be deemed to thereby waive his, her, their or its rights to remonstrate against or otherwise object to, interfere with or oppose any pending or future annexation by City of such land or of the territory in which ~~xx~~ it is located or of the land served by said sewer.

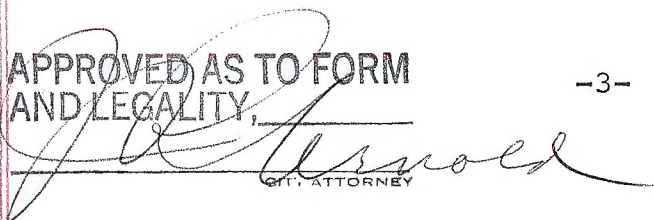
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Agreement between the City of Fort Wayne and NIEMEYER CORPORATION concerning the construction of sanitary sewer in Trier Ridge Park, Section I Amended, which is on file in the office of the Board of Public Works and is by reference made part hereof, is hereby ratified, confirmed and approved, and the construction of said sewer in accordance therewith is hereby approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



APPROVED AS TO FORM  
AND LEGALITY,

  
CITY ATTORNEY

Bill No. S-67-09-12

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance  
approving Sewer Agreement between NIEMEYER CORPORATION and the CITY OF FORT WAYNE,  
INDIANA for construction of Sanitary Sewer in Trier Ridge Park Section I Amended,

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance DO PASS.

JACK K. DUNIFON, Chairman  
JOHN H. ROBINSON, Vice-Chairman  
JOHN NUCKOLS  
WILLIAM T. HINGA  
HERBERT G. TIPTON.

*Jack K. Dunifon*  
*John H. Robinson*  
*John Nuckols*  
*William T. Hinga*  
*Herbert G. Tipton*

CONCURRED IN

DATE 9-26-67 FUAD G. BONAHOOM, CITY CLERK

Read the first time in full and on motion by Dunifon seconded by Buchanan and duly adopted, read the second time by title and referred to the (Committee on) city utilities (and to the City Planning Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 196\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 9-12-67 Luad G. Bonahoom  
CITY CLERK

Read the third time in full and on motion by Dunifon seconded by Heiger and duly adopted, placed on its passage.

Passed (~~888~~) by the following vote:

AYES	<u>9</u>	NAYS	<u>0</u>	ABSTAINED	____	ABSENT	____	to-wit:
Buchanan	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
Dunifon	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
Fay	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
Hinga	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
Nuckols	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
Robinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
Rousseau	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
Steigerwald	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
Tipton	<input checked="" type="checkbox"/>	<input type="checkbox"/>						

Date 9-26-67 Luad G. Bonahoom  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~)(~~General~~)(~~Annexation~~)(~~Special~~)(~~Appropriation~~) Ordinance (~~Resolution~~) No. 5535-67

on the 26<sup>th</sup> day of Sept., 1967.

ATTEST: (SEAL) Luad G. Bonahoom CITY CLERK Edmund Kannear PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27<sup>th</sup> day of Sept., 1967 at the hour of 10:00 o'clock A.M., E.S.T.

Luad G. Bonahoom  
CITY CLERK

Approved and signed by me this 27<sup>th</sup> day of September, 1967, at the hour of 10:26 o'clock A.M., E.S.T.

Harold S. Zeis  
MAYOR